

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF RHODE ISLAND**

ANN MARIE MACCARONE,  
Plaintiff,

V.

SIEMENS INDUSTRY, INC.,  
Defendant.

C.A. No. 20-cv-259-JJM-LDA

## ORDER

This matter is before the Court on Defendant Siemens Industry, Inc.'s Motion to Dismiss the Complaint under Fed. R. Civ. P. 41(b) for failure of Plaintiff Ann Marie Maccarone to sign the settlement agreement and release. ECF No. 55. A brief history of how we got here procedurally is in order.

After three years of pretrial activity, and after receiving a jury trial notice from the Court (ECF No. 33), a Magistrate Judge conducted a settlement conference, with both parties and their attorneys. The Magistrate Judge reported to the Court that the case had settled, so the Court canceled the jury selection and empanelment. *See* Docket Entry dated Apr. 11, 2024. Siemens prepared the Settlement Agreement and Release and the Stipulation of Dismissal. ECF No. 39-1. Ms. Maccarone refused to sign any of the documents.

Siemens moved to enforce the settlement agreement. ECF Nos. 38. After full briefing on the issue, on September 4, 2024, the Court issued an Order granting Siemen's Motion to Enforce the Settlement Agreement. ECF No. 46. Ms. Maccarone moved to vacate that decision, but the Court denied that request. ECF

No. 53. The Court gave Ms. Maccarone until October 25, 2024, to sign the settlement agreement and release or this matter would be dismissed for failure to comply with a Court Order. Ms. Maccarone did not sign. Siemens has now moved to dismiss.

Federal Rule of Civil Procedure 41(b) provides that: “If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.” The Court ordered Ms. Maccarone to sign the release and settlement agreement. Ms. Maccarone failed to do so. To resolve this matter short of dismissal, the Court also set a mediation and invited all counsel and parties. Ms. Maccarone refused to attend.

Thus, the Court GRANTS the Defendant’s Motion to Dismiss. Judgment shall enter for the Defendant. This case is dismissed.

IT IS SO ORDERED.

*s/John J. McConnell, Jr.*

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John J. McConnell, Jr.  
Chief United States District Judge

February 6, 2025